

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:10-CV-111-BO

GLAYE W. JACKSON,)
Plaintiff,)
)
v.) O R D E R
)
MICHAEL J. ASTRUE, Commissioner of)
Social Security,)
Defendant.)

This cause comes before the Court on plaintiff's motion for default judgment. Plaintiff, *pro se*, contends that defendant has failed to answer or otherwise defend in the time allowed. Federal Rule of Civil Procedure 12(a)(2) provides that the United States, a United States agency, or a United States officer sued in an official capacity has sixty days after service on the United States Attorney to serve an answer to a complaint or other responsive pleading. The record in this matter reflects that service was effected on the United States Attorney for the Eastern District of North Carolina on June 18, 2012 [DE 12]. Defendant filed an answer to plaintiff's complaint on August 14, 2012 [DE 15]. As a responsive pleading has been filed within the time provided, default and default judgment are inappropriate. Fed. R. Civ. P. 55(a), 55(b).

Accordingly, plaintiff's motion for default judgment [DE 18] is DENIED.

SO ORDERED, this 15 day of November, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE